

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 42, Page
2 3, Section 57.280, Line 53, by inserting after all of said section and line the following:
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4 "143.790. 1. Any hospital or health care provider who has provided health care services to an
5 individual who was not covered by a health insurance policy or was not eligible to receive benefits
6 under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965
7 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208
8 and the health insurance for uninsured children under sections 208.631 to 208.657 at the time such
9 health care services were administered, and such person has failed to pay for such services for a
10 period greater than ninety days, may submit a claim to the director of the department of health and
11 senior services for the unpaid health care services. The director of the department of health and
12 senior services shall review such claim. If the claim appears meritorious on its face, the claim for the
13 unpaid medical services shall constitute a debt of the department of health and senior services for
14 purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of
15 revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the
16 director of the department of health and senior services shall submit the debt to the department of
17 revenue under the setoff procedure established under section 143.783.

18 2. At the time of certification, the director of the department of health and senior services
19 shall supply any information necessary to identify each debtor whose refund is sought to be set off
20 pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

21 3. If a debtor identified by the director of the department of health and senior services is
22 determined by the department of revenue to be entitled to a refund, the department of revenue shall
23 notify the department of health and senior services that a refund has been set off on behalf of the
24 department of health and senior services for purposes of this section and shall certify the amount of
25 such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed
26 exceeds the claimed debt, the department shall send the excess amount to the debtor within a
27 reasonable time after such excess is determined.

28 4. The department of revenue shall notify the debtor by certified mail the taxpayer whose
29 refund is sought to be set off that such setoff will be made. The notice shall contain the provisions
30 contained in subsection 3 of section 143.794, including the opportunity for a hearing to contest the
31 setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3
32 of section 143.784.

33 5. Once a debt has been set off and finally determined under the applicable provisions of
34 sections 143.782 to 143.788, and the department of health and senior services has received the funds
35 transferred from the department of revenue, the department of health and senior services shall settle
36 with each hospital or health care provider for the amounts that the department of revenue set off for
37 such party. At the time of each settlement, each hospital or health care provider shall be charged for

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1 administration expenses which shall not exceed twenty percent of the collected amount.

2 6. Lottery prize payouts made under section 313.321 shall also be subject to the setoff
3 procedures established in this section and any rules and regulations promulgated thereto.

4 7. The director of the department of revenue shall have priority to offset any delinquent tax
5 owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to
6 meet a child support obligation that is enforced by the division of family services on behalf of a
7 person who is receiving support enforcement services under section 454.425.

8 8. Ambulance services, as licensed by RSMo Chapter 190, shall make use of the debt setoff
9 through the use of a debt setoff clearinghouse for processing claims. Unpaid claims in excess of one
10 hundred sixty days shall be determined in accordance with this section and only valid unpaid claims
11 regarding health care services provided shall be submitted to the claim clearinghouse. Ambulance
12 services shall implement a financial hardship policy in accordance with applicable Medicare
13 guidelines. Ambulance services shall establish an appeal process. The appeal process shall, at a
14 minimum, include a provision that will establish that the ambulance service will not be permitted to
15 setoff any claim against the patients refund under this section, unless and until the ambulance service
16 files suit against the patient in court seeking a determination that the ambulance service's claim is
17 valid regarding the amount of the claim and that the claim is eligible for seoff under this section.
18 Administrative costs incurred by the state agency and the claim clearinghouse shall be recovered
19 from each claim being processed prior to the debt setoff for the ambulance service. To the extent that
20 any ambulance service receives any payment pursuant to this section, the debt shall be deemed paid
21 in full and the district is protected from pursuing any remedy.

22 9. The director of the department of revenue and the director of the department of health and
23 senior services shall promulgate rules and regulations necessary to administer the provisions of this
24 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
25 the authority delegated in this section shall become effective only if it complies with and is subject to
26 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
27 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
28 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
29 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
30 August 28, 2007, shall be invalid and void."; and

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32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.